

REMARKS

Applicant hereby traverses the rejections of record and requests reconsideration and withdrawal of such in view of the remarks contained herein. Claims 1-6 and 13-18 are allowed, claims 8 and 12 are objected to, and claims 7 and 9-11 are rejected. Claim 7 has been amended to include the limitations of claim 8 (now cancelled). Claims 1-7 and 9-18 are pending in this application.

Rejection Under 35 U.S.C. § 103(a)

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Without conceding that the first or second criteria are satisfied, the Applicant respectfully asserts that the Examiner's rejection fails to satisfy the third criteria.

A. Rejection Under 35 U.S.C. § 103(a) (Temes & Lehman)

Claims 7 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,602,291 to Temes (hereinafter "Temes") in view of U.S. Patent 5,424,537 to Lehman et al. (hereinafter "Lehman").

Claim 7, as amended, recites "performing at least one partial calibration scan without moving the scan head." This limitation was originally recited in claim 8, which the Examiner indicates as allowable. *See* Final Action, pg. 6. As such, claim 7 is believed to be in condition for allowance. Note that Applicant does not concede the merits of the rejection of record and does not dedicate claim 7, as originally drafted, to the public. Rather, Applicant hereby amends claim 7 to expedite prosecution of the pending claims. Further, Applicant reserves the right to file a continuation application having claim 7, as originally drafted, contained therein. For the reasons set forth above, Applicant requests withdrawal of the rejection of record.

Claim 9 depends from claim 7 and inherits every limitation therefrom. As such, claim 9 is in condition for allowance at least for the reasons set forth above with respect to claim 7. Therefore, Applicant requests withdrawal of the rejection of record.

B. Rejection Under 35 U.S.C. § 103(a) (Temes, Lehman & Levy)


Claims 10 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Temes in view of Lehman and further in view of U.S. Patent 5,384,699 to Levy et al. (hereinafter "Levy").

Claims 10-11 depend from claim 7 and inherit each limitation from claim 7. As shown above, claim 7, as amended, contains allowable subject matter. Therefore, claims 10-11 each set forth limitations not taught or suggested by the Examiner's proposed combination; and, are allowable at least for the reasons set forth above with respect to claim 7. In view of the above, Applicant respectfully requests that the Examiner withdraw the rejection of claims 10 and 11 under 35 U.S.C. § 103(a) and pass these claims to issue.

Conclusion

In view of the remarks above, Applicant believes the pending application is in condition for allowance. Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 08-2025, under Order No. 10008017-1 from which the undersigned is authorized to draw.

Respectfully submitted,

By: 
Jody C. Bishop
Attorney/Agent for Applicant(s)
Reg. No. 44,034
Date: January 29, 2007
Telephone No. (214) 855-8007